

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2664

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Section ~~250~~ 412.5 of the Military and Veterans Code, relating to the California National Guard.

LEGISLATIVE COUNSEL’S DIGEST

AB 2664, as amended, Quirk-Silva. California National Guard.

Existing law authorizes the Adjutant General and the Military Department to solicit and accept funds or other donations for deposit in the California Military Department Support Fund. Money in the fund is available, upon appropriation, for specified purposes relating to the programs of the department.

Former law, repealed by its own provisions, allowed taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Military Family Relief Fund, established to accept contributions from taxpayers and from other sources. Money in that fund, upon appropriation, was required to be allocated to the Military Department to provide financial aid grants to eligible members of the California National Guard. The former law provided that, notwithstanding repeal, any contribution amounts designated prior to repeal was to continue to be transferred and disbursed in accordance with those repealed provisions.

This bill would establish the California National Guard Military Family Relief Fund as an account within the California Military Department Support Fund for the purpose of providing financial aid grants to eligible members of the California National Guard who are

California residents and who have been called to active duty. The bill would require the department to establish eligibility criteria for the grants by January 1, 2015.

The bill would transfer any and all moneys remaining in the California Military Family Relief Fund to the California Military Department Support Fund and would require those moneys to continue to be disbursed in accordance with the original intent of the contributions made by taxpayers to the California Military Families Relief Fund as established under former law.

~~Existing law, except as specified, requires the qualifications for enlistment and reenlistment in the California National Guard and the term and the form of oath to conform to the laws of the United States and this state, and the regulations promulgated by the Department of the Army or the Department of the Air Force of the United States for the government and guidance of the National Guard.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 412.5 of the Military and Veterans Code
- 2 is amended to read:
- 3 412.5. (a) Notwithstanding any other law, the Adjutant General
- 4 may do all of the following:
- 5 (1) Establish support programs, including, but not limited to,
- 6 morale, welfare, recreational, training, and educational programs
- 7 for the benefit of the Military Department, its components, and its
- 8 soldiers, airmen, cadets, and their family members.
- 9 (2) Establish, construct, or acquire facilities or equipment for
- 10 the purposes specified in paragraph (1).
- 11 (3) Adopt rules and regulations for all of the following:
- 12 (A) For the programs established pursuant to paragraph (1).
- 13 (B) For the solicitation and acceptance of funds authorized
- 14 pursuant to subdivision (b).
- 15 (C) For the establishment, deposit, and expenditure of military
- 16 post, welfare, or similar unit funds.
- 17 (4) Perform any other acts as may be necessary, desirable, or
- 18 proper to carry out the purposes of this section.

1 (b) (1) Notwithstanding any other law, the Adjutant General
2 and the Military Department may solicit and accept funds or other
3 donations which shall be deposited in the California Military
4 Department Support Fund, which is hereby established in the State
5 Treasury. The money in the fund is available, upon appropriation
6 by the Legislature, solely for the purposes prescribed by this
7 section.

8 (2) Section 11005 of the Government Code shall not apply to
9 the acceptance of funds or other donations pursuant to this
10 subdivision.

11 (3) It is the intent of the Legislature that funds appropriated to
12 the Military Department as provided by this section be used to
13 supplement, not supplant, funding appropriated to the Military
14 Department pursuant to any other law for the purposes prescribed
15 by this section.

16 (c) (1) *The California Military Department Support Fund shall*
17 *include the California National Guard Military Family Relief*
18 *Fund, a special fund as established within the California Military*
19 *Department Support Fund by subdivision (d).*

20 (2) *For accounting and recordkeeping purposes, the California*
21 *Military Department Support Fund shall be deemed to be a single*
22 *special fund, and any special funds therein shall constitute and be*
23 *deemed to be a separate account in the California Military*
24 *Department Support Fund. Each account or fund shall be available*
25 *for expenditure only for the purposes as are now or may hereafter*
26 *be provided by law.*

27 (d) (1) *Notwithstanding subdivision (d) of former Section 18709*
28 *of the Revenue and Taxation Code as added by Chapter 546 of the*
29 *Statutes of 2004, the California National Guard Military Family*
30 *Relief Fund is hereby established as an account within the*
31 *California Military Department Support Fund for the purpose of*
32 *providing financial aid grants to members of the California*
33 *National Guard who are California residents and who have been*
34 *called to active duty.*

35 (2) *The Military Department shall establish eligibility criteria*
36 *for the grants by January 1, 2015. The criteria shall include, but*
37 *not be limited to, a demonstration of financial need.*

38 (3) *In addition to criteria established by the Military Department*
39 *pursuant to paragraph (2), members of the California National*

Guard shall show proof of all of the following to be eligible to receive a grant pursuant to subdivision (d):

(A) Current membership in the California National Guard.

(B) Residency in California.

(C) Deployment to active duty for at least 60 consecutive days.

(4) Grants awarded pursuant to this subdivision may be used only for food, housing, childcare, utilities, medical services, medical prescriptions, insurance, and vehicle payments.

(5) California National Guard members shall not be eligible to receive a grant if the member receives a punitive discharge or an administrative discharge with service characterized as under other than honorable conditions.

(e)

(e) The Adjutant-General shall, General, on or before March 31, 2014, and on or before March 31 that date each year thereafter, shall conduct an internal audit of the fund established pursuant to subdivision in accordance with subdivisions (b) and (c) and report the findings of the audit to the Department of Finance.

SEC. 2. (a) On January 1, 2015, any and all moneys remaining in the California Military Family Relief Fund established by Chapter 546 of the Statutes of 2004 are hereby transferred to, and become part of, the California Military Department Support Fund, in accordance with Section 412.5 of the Military and Veterans Code.

(b) The moneys transferred pursuant to subdivision (a) shall continue to be disbursed in accordance with the original intent of the contributions made by taxpayers to the California Military Families Relief Fund established by Chapter 546 of the Statutes of 2004.

SECTION 1. ~~Section 250 of the Military and Veterans Code is amended to read:~~

250. ~~The qualifications for enlistment and reenlistment in the California National Guard and the term and the form of oath shall conform to the laws of the United States and this state, and the regulations promulgated by the Department of the Army or the Department of the Air Force of the United States for the government and guidance of the National Guard, except for former enlisted members of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, who~~

- 1 were honorably separated but are no longer qualified for enlistment
- 2 under the laws of the United States.

O